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TC 1700

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: CONGARD=2

In re Application of:)	Conf. No.: 7548
)	
Jean C. CONGARD et al)	Art Unit: 1762
)	
Appln. No.: 09/982,141)	Examiner: PIANALTO, B.
)	
Date Filed or 102(e) date:)	Washington, D.C.
October 19, 2001)	
)	
For: DEVICE AND METHOD)	September 8, 2003
FOR SUPPLYING ATOMIZERS...)	

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement presented in the Office Action of August 6, 2003, applicants hereby provisionally select the claims of Group II, claims 7-11, for examination on the merits in this application.

However, the requirement is respectfully traversed because the inventions are not distinct, and the explanation presented in support of the restriction requirement does not properly establish distinctness between the claimed inventions.

Specifically, the restriction requirement is based on the Examiner's view that "the device could be used for spraying solvent or water based paint compositions."

Restriction requirements are based on the invention as claimed. Method claim 7 is directed to a method for supplying coating products and device claim one is directed to a device for supplying coating products. Thus, the claimed

device is for supplying precisely the same products as the method.

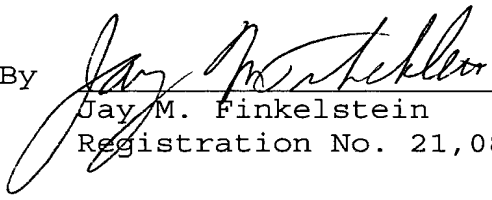
Furthermore, both the device claims and the method claims refer only to coating products, and this language clearly encompasses any type of paint compositions, whether solvent or water based. In this connection, attention is directed to the disclosure at page 14, lines 3-6, of the present specification, which clearly establishes that both the device and the method according to the invention are intended for spraying the same types of coating products.

Accordingly, it is requested that the restriction requirement be reconsidered and withdrawn and that all of the application claims be examined on the merits.

Respectfully submitted,

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G:/bn1/lav1/congard2pto/Restriction Requirement.doc

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: CONGARD
Appln. No. 09/982,141
Date Filed: Oct. 19, 2001
For: DEVICE AND METHOD FOR SUPPLYING...

Art Unit: 1762
Examiner: PIANALTO, B
Washington, D.C.
Atty.'s Docket: CONGARD=2

Date: September 8, 2003

MONDAY

Confirmation No. 7548

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Transmitted herewith is a [X]RESPONSE TO RESTRICTION REQUIREMENT the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[] Applicant claims small entity status. See 37 C.F.R. §1.27.

[XX] No fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	
INDEP.	*	MINUS	*** 3	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 42	\$
+ 140	\$
ADDITIONAL FEE TOTAL	
	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 84	\$
+ 280	\$
TOTAL	
	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 55.00
[] Second - \$ 205.00
[] Third - \$ 465.00
[] Fourth - \$ 725.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[] First - \$ 110.00
[] Second - \$ 410.00
[] Third - \$ 930.00
[] Fourth - \$ 1450.00

Month After Time Period Set

[] Less fees (\$) already paid for ___ month(s) extension of time on _____.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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